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Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re

PAUL STEVEN CHACON,

Debtor.

Bankruptcy No. 14-22197 (JTM)

Chapter 7

**MOTION FOR COURT AUTHORITY TO SELL REAL PROPERTY
FREE AND CLEAR OF LIENS AND APPROVAL OF THE TRUSTEE'S
ENGAGEMENT OF AUCTIONEER AND FOR APPROVAL OF PAYMENT OF
AUCTIONEER'S COMMISSION**

David L. Miller, in his capacity as Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of Paul Steven Chacon (the "Debtor"), moves this Court through counsel, pursuant to Bankruptcy Code §§ 328, 330, and 363 and Federal Rules of Bankruptcy Procedure 2014, 6004 and 9014, for an order approving the auction sale of real property of the estate located known as Parcel 2 Del Rio Ranchettes, Rio Grande County, Colorado, also known as 222 Comanche Circle, South Fork Colorado 81154 (the "Real Property"), and approving the Trustee's engagement and compensation of an auctioneer for the Real Property. In support of the Motion, the Trustee respectfully

states as follows:

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1. The Trustee intends to sell the Real Property free and clear of all liens, interests and encumbrances, pursuant to Bankruptcy Code § 363. Any valid liens will be transferred to the net remaining proceeds of sale after payment of the costs of sale, in the same priority as they currently exist against the Real Property. The Trustee does not believe that there are any creditors with a security interest in the Real Property. However, the Trustee believes that non-debtor Diane Chacon owns a one-half interest in the Real Property, and the Trustee intends to pay Ms. Chacon one-half of the net proceeds of the sale of the Real Property.

2. The Trustee intends to sell the Real Property at an auction conducted by Dickensheet & Associates, Inc. ("Dickensheet") in the manner described below.

3. Creditors with valid perfected liens on the Real Property are entitled to credit bid at auction in accordance with Bankruptcy Code § 363(k). Secured creditors are not required to bid all or any part of their claims. In the event that a credit bidder is the ultimate purchaser of the Real Property and the purchase price does not exceed the claim of the secured creditor(s), the secured creditor(s) will be required to pay the Trustee's reasonable expenses of sale, including the auctioneer's commission, pursuant to Bankruptcy Code § 506(c).

4. All bids must be in cash or by cashier's check. The total purchase price bid by any successful bidder shall be paid immediately after the conclusion of the auction, or on such terms and conditions as the Trustee may consent.

5. In the event that a successful bidder fails to complete payment of the full purchase price immediately after the conclusion of the auction, the initial deposit placed

with the auctioneer shall be forfeited, and the Real Property shall be offered to the next highest bidder at the next highest bidder's highest bid price.

6. The Real Property shall be sold on an "as is, where is" basis, without any representations or warranties. The Trustee will transfer the Real Property by means of a Trustee's Deed without any warranties of title. In addition, the Trustee will transfer only the Debtor's interest in the Real Property; the Trustee anticipates that Ms. Chacon will also transfer her interest in the Real Property when the sale is consummated.

7. The Trustee and/or the auctioneer will reserve the right to reject bids which in their opinion are insufficient or do not conform to the terms of the sale set forth herein. Moreover, the Real Property may be subject to minimum bids. The Trustee further reserves the right to continue the sale from time to time and from place to place as he deems appropriate, and to withdraw one or more of the Real Property from the auction at any time.

8. The auction sale of the Real Property will take place at the business premises of Dickensheet, located at 1501 West Wesley Avenue, Denver Colorado 80223 on **April 18, 2015 at 10:00 a.m.** Additional information concerning the auction may also be found at www.dickensheet.com

9. The auctioneers' commission in the amount of 10% of the gross proceeds of sale will be paid by the Trustee and Ms. Chacon at the time of the sale. In addition, the Trustee and Ms. Chacon will in their discretion reimburse the auctioneers at the time of the sale for any actual out-of-pocket costs incurred in the securing, advertising, reconditioning, and cleaning of the Real Property.

10. The successful buyer at the auction will be responsible to pay past or current taxes or HOA fees if applicable.

11. The Trustee is informed and believes that Dickensheet is well qualified to conduct the auction. The Trustee further believes that Dickensheet is a disinterested person based on the attached affidavit and requests authority to retain and to pay Dickensheet from the gross proceeds of the sale from the proceeds of the auction of the Real Property without any further Court order.

WHEREFORE, the Trustee respectfully requests this Court to enter its order authorizing the Trustee to sell the Real Property free and clear of all liens and encumbrances, with valid liens to attach to the proceeds, and authorizing the Trustee to retain Dickensheet as his auctioneer and to compensate Dickensheet on the terms specified in this Motion, without further Court order.

DATED: February 3, 2015

PARSONS KINGHORN HARRIS
A Professional Corporation

/s/ George Hofmann
Attorneys for David L. Miller,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT UTAH

RE: Paul Steven Chacon) Bankruptcy Case: 14-22197
) Chapter 7
DEBTOR)

AFFIDAVIT OF AUCTIONEER/LIQUIDATOR

The undersigned submits this affidavit in support of employment by the Trustee as set forth in the Trustee's Motion to Appoint Professional as Auctioneer/Liquidator to the Trustee that was filed by the Trustee.

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

I, Christine Dickensheet, of Dickensheet & Associates, Inc., being first duly sworn, do state and aver as follows:

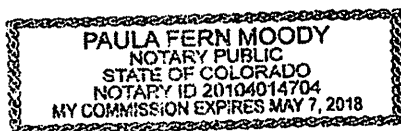
1. I am an experienced Auctioneer/Liquidator licensed to provide these services in the State of Colorado.
2. I maintain an office for the practice of auctioning in Colorado with a mailing address of 1501 W Wesley Avenue, Denver, Colorado 80223. My telephone number is (303) 934-8322.
3. To, the best of my knowledge, information and belief neither I nor any employees, officers or directors of Dickensheet & Associates, Inc., hold any interest adverse to the bankruptcy estate, the Debtors, the creditors, the Chapter 7 Trustee or the United States Trustee. I believe that all employees, officers and directors of Dickensheet & Associates, Inc. are disinterested person with the meaning of 11 U.S.C. 101(14).
4. To, the best of my knowledge, information and belief neither I nor any employees, officers or directors of Dickensheet & Associates, Inc. have any connections with the Debtors, creditors, any other party of interest, their respective attorneys and accountants or any person employed in the office of the U.S. Trustee. The only connection that I have with the Chapter 7 Trustee is that I have been employed by the Trustee in other unrelated bankruptcy cases.
5. Dickensheet & Associates, Inc. has a blanket bond in the amount of one hundred thousand dollars (\$ 100,000.00). Bond No. 34RN090486 is a bond issued in the favor of the U.S. Government. This Bond has been in force since June 1, 1992 and is paid up to the next renewal date of June 1, 2015 (the Bond renews continuously until canceled by Principal).

6. Dickensheet & Associates, Inc. has a Motor Vehicle Dealers License and a Dealer's Bond for \$ 30,000.00. Bond No. 3312634 is a bond issued in favor of the State of Colorado. This Bond has been in force since June 1995 and is paid up to the next renewal date of June 30, 2015 (the Bond renews continuously until canceled by Principal).
7. Dickensheet & Associates, Inc. has liability insurance in the amount of \$ 2,000,000.00; it also has theft, fire and casualty insurance of \$ 500,000.00. These policies are issued by EMC Insurance, policy number 4X52487. The insurance is in effect and is paid quarterly through the next renewal date of August 25, 2015.
8. I have agreed to represent the Trustee for reasonable compensation, which is a ten percent (10%) commission on the gross proceeds of sale. In addition, I will receive reasonable compensation for my actual and necessary costs of sale to secure, transport, advertise, and store the property to be sold and others.
9. I have not shared nor agreed to share compensation received herein with any person.
10. It is my understanding that the assets to be sold in the within case is approximately 2.66 acres of undeveloped land legally described as Parcel 2 Del Rio Ranchettes, Rio Grande County, Colorado, schedule number 1931201002, physical address of 222 Comanche Circle, South Fork, CO 81154. Successful purchaser at Trustee auction will pay any past due or current taxes and any HOA if applicable. Upon receipt of tax payment, the successful purchaser will be issued a Trustee Deed. The successful purchaser at auction will be issued a Trustee's Deed and a quit claim deed from the co-owner.
11. I would contemplate that the assets of this estate would be placed, after approval of employment and the motion to sell, into the next routinely scheduled auction or similar assets and vehicle sale(s) or into an individual auction of these specific items, and that the estate would not, incur unnecessary advertising expenses related to the auction sale(s).
12. After any sale conducted by me, I will submit to the Trustee the proceeds from the sale. At that time I will also submit to the Trustee and the U.S. Trustee a Report of Sale containing a complete statement and itemization of all assets and equipment sold, the sale prices, the purchasers and the costs of sale.

Executed this 5th day of January 2015


Christine Dickensheet

Subscribed and sworn to before me this 5th of January 2015 by Paula Fern Moody




Notary Public